

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

MICHAEL COLE KAISER,

Plaintiff,

v.

RODAKOWSKI, et al.,

Defendants.

Case No. 3:20-cv-05373-BHS-TLF

ORDER DIRECTING FILING OF
WAIVERS OR ADDRESSES OF
UNSERVED DEFENDANTS
UNDER SEAL

On June 24, 2020, the Court directed service of plaintiff's complaint. Dkt. 8, 9. Waivers of service were due July 24, 2020. *See id.* To date, defendants T. Abraha and Amy Mok have not returned waivers of service. Defense counsel has entered an appearance on behalf of the remaining defendants – defendants Rodakowski, Washington State Department of Corrections, White and Arnoff – but has not appeared on behalf of defendants Abraha and Mok. *See* Dkt. 23.

The court has no jurisdiction over defendants Mok and Abraha until they have been properly served under Fed. R. Civ. P. 4. *Direct Mail Specialists, Inc. v. Eclat Computerized Techs., Inc.*, 840 F.2d 685, 688 (9th Cir. 1988). Under Rule 4(c)(2), the Court may order that personal service be made by a United States Marshal. However, in this district, the marshals do not attempt personal service upon a defendant unless mail service is unavailing. *See* Local Rule 4(c).

1 If defendants Rodakowski, Washington State Department of Corrections, White
2 and Arnoff are in possession of the last known business or residential address of
3 defendants Mok and Abraha, they are ordered to submit such address(es) to the Court
4 **under seal on or before September 14, 2020** so that the Clerk may attempt to effect
5 service. This solution alleviates two concerns involving prisoner litigation: (1) the
6 security risks inherent in providing prisoners with addresses of people formerly
7 employed by the state; and (2) reducing the problems prisoners sometimes encounter
8 when they are attempting to access information through the government. *Sellers v.*
9 *United States*, 902 F.2d 598, 602-603 (7th Cir. 1990). Defendants Mok and Abraha may
10 also satisfy this order by filing a waiver and by having counsel enter a notice of
11 appearance on his or her behalf. All service documents with said address(es) shall also
12 be filed under seal.

13 The Clerk shall provide a copy of this order to all parties.

14 Dated this 24th day of August, 2020.

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17 Theresa L. Fricke
18 Theresa L. Fricke
19 United States Magistrate Judge
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